

example, with respect to independent claims 1, 15 and 23, Applicants submit that the cited references fail to teach or suggest performing the querying, quantifying, modifying and comparing steps in anticipation of implementing a proposed technical change in a working environment of the organization. Instead, Guinta teaches that its invention "...is particularly suited for use in connection with methods and apparatus for assessing an organization process or system." Col. 2, lines 47-49. To this extent, the Guinta invention is used to assess an existing organization process or system. While it is true that a corrective action may occur as a result of the Guinta evaluation the corrective action is not taught as being proposed prior to the evaluation and the evaluation occurring in anticipation of the proposed change.

Furthermore, nowhere do the cited references disclose contemplation of a technical change in the working environment of the organization (e.g., implementation of a new software application, installation of new hardware, etc). Rather, the potential solutions or improvements of Guinta are nondescript and do not specify that they are technical changes in the working environment. Furthermore, the changes described in Curtis relate to greater levels of maturity in technical processes for developing software. To this extent, the changes, if any, in Curtis are relegated to processes for developing software and, as such, are not technical changes in the working environment. In contrast, the claimed invention includes "...prior to implementing the technical change in the organization." Claim 1. As such, in contrast to Guinta, the querying, quantifying, modifying and comparing steps of the claimed invention (or at least the querying step) are performed prior to implementing the technical change in the organization. Thus, Guinta does not teach each and every feature of the claimed invention. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 15 and 23, Applicants respectfully submit that the cited references also fail to teach quantifying the baseline response into a raw score by assigning a value to each baseline response. In support of its position to the contrary, the Office cites various passages of Guinta. These passages of Guinta teach various ways for its assessor to initially answer a question, such as: entering a value on an analog scale (col. 8, lines 15-20), a numerical input that is utilized to indicate specific events or circumstances (col. 9, lines 52-53), and a sliding scale with which a numerical input may be selected (col. 5, lines 33-37). To this extent, Guinta teaches that the initial input that is supplied by the first assessor may be of various types. However, each of the values in the examples from Guinta provided by the Office are entered initially by its assessor and not later assigned to the original baseline response. To this extent, Guinta does not teach that its assessor in any way quantifies the originally given response by assigning a value to the previously given response. In the concluding statements of its response to Applicants' arguments, the Office states that it is extremely old and well known in the art to perform this limitation. Applicants interpret this statement as Official Notice, respectfully disagree with the Office's position, and requests that the Office provide references that teach this limitation.

In contrast, the claimed invention includes "...quantifying the baseline response into a raw score by assigning a value to each baseline response." Claim 1 and similarly in claims 15 and 23. As such, in contrast to the various types of responses of Guinta that include a percentage value on a 0-100 scale, The claimed invention quantifies the baseline response into a raw score by assigning a value to each baseline response. For the above reasons, the quantifying of the baseline response of the claimed invention is not taught by the various input types of Guinta.

Curtis does not cure this deficiency. Accordingly, Applicants respectfully request that the rejection of the Office be withdrawn.

With still further respect to independent claims 1, 15 and 23, Applicants respectfully submit that the cited references also fail to teach or suggest modifying the raw score using at least one modifier that relates to a traditional response to change to yield a skill score. Initially, as stated above, Guinta does not teach the raw score that is generated by quantifying a baseline response, as in the claimed invention. Further, the passage of Guinta cited by the Office teaches that “[t]he numerical input shown in FIG. 4 may be modified based on a wide variety of factors preferred by the apparatus designers.” Col. 9, lines 44-49. However, Guinta teaches that the modifying and filtering illustrated in FIG. 4 has the purpose of “...inhibiting validation/collection of exaggerated, untrue, and/or unsupported numerical inputs.” Col. 9, lines 40-41. The Office further cites a discussion that it indicates that its second input indicates the capability of an organization process or system to address an issue. Col. 6, lines 49-63. However, this passage does not indicate that this indication is based on the tradition of the organization, but rather “how extensively the organizational process or system is actually [presently] deployed to address that issue.” Col. 6, lines 54-56. The claimed invention, in contrast, includes “...modifying the raw score using at least one modifier that relates to a traditional response to change to yield a skill score.” Claim 1. As such, the modifying of the claimed invention is not merely intended to assess the present deployment of an organization system or process as in Guinta, but rather uses at least one modifier that relates to a traditional response to change. For the above reasons, Guinta does not teach the modification step of the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With yet still further respect to independent claims 1, 15 and 23, Applicants respectfully submit that the cited references also fail to teach or suggest comparing the skill score to a predetermined required score to determine a predicted response to the technical change prior to implementing the technical change in the organization. The Office admits that Guinta does not teach this feature of the claimed invention. Instead, the Office relies on Curtis. However, as stated elsewhere herein, Curtis does not relate to a technical change in the working environment of an organization, as does the claimed invention. Accordingly, Applicants request that the Office's rejection be withdrawn.

B. REJECTION OF CLAIMS 2, 7-10, 14, 16, 22, 24, 27 AND 31-33 UNDER 35 U.S.C. §103(a) OVER GUINTA IN VIEW OF CURTIS

Appellants initially incorporate the above enumerated arguments. Additionally, in the above referenced Final Office Action, the Examiner alleges that Guinta teaches or suggests recommending a corrective action based on the predicted response. As stated herein, Guinta does not teach predicting a response to a *proposed* change, but rather identifying and resolving a current problem. As such, the "...suggest[ing of] guidelines for the organization to improve the weaknesses" of the cited passage of Guinta suggests guidelines to improve current weaknesses identified by Guinta and is not based on a predicted response to change as in the claimed invention. Thus, the cited references do not teach or suggest each and every feature of the claimed invention. Accordingly, Applicants respectfully request withdrawal of the rejection.

C. REJECTION OF CLAIMS 6, 13, 20 AND 29 UNDER 35 U.S.C. §103(a) OVER GUINTA IN VIEW OF CURTIS

Appellants initially incorporate the above enumerated arguments. Additionally, Applicants respectfully submit that the cited references fail to teach or suggest that each query comprises a set of questions, with each question in the set of questions in a yes/no/sometimes format. The Examiner admits that neither Guinta nor Curtis do not teaches a yes/no/sometimes format, much less that each question in the set of questions is in a yes/no/sometimes format. Final Office Action, page 20. Instead, the Examiner takes Official notice that "...it is old and well known in the art for queries to have an answer as 'sometimes'." Final Office Action, page 20. Appellants assert that the Examiner's factual assertion is not properly based upon common knowledge. For example, Appellants assert that a query of an organization to obtain a baseline response used to determine a predicted response to a technical change in the organization, wherein each question in the query is in a yes/no/sometimes format is not obvious to one skilled in the art as asserted by the Examiner. Accordingly, the Examiner has failed prove a *prima facie* case of obviousness.

D. OTHER REJECTIONS UNDER 35 U.S.C. §103(a)

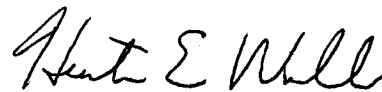
With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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